

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

EDITO ROSA)	
(#A754641),)	CASE NO. 1:20CV2657
)	
Petitioner,)	
)	JUDGE BENITA Y. PEARSON
v.)	
)	
JAY FORSHEY, ¹ Warden,)	
)	<u>MEMORANDUM OF OPINION</u>
Respondent.)	<u>AND ORDER</u>

Petitioner Edito Rosa filed a *pro se* Petition for a Writ of Habeas Corpus pursuant to [28 U.S.C. § 2254](#) ([ECF No. 1](#)) alleging four (4) grounds for relief which challenge the constitutional sufficiency of his convictions in Cuyahoga County, Ohio Court of Common Pleas Case No. [CR-17-615294-A](#). Petitioner was found guilty of one count of rape, with a notice of prior conviction and a repeat violent offender specification; three counts of kidnapping, with each count containing a notice of prior conviction, repeat violent offender and sexual motivation specifications; three counts of gross sexual imposition; one count of robbery, with one count containing a notice of prior conviction and a repeat violent offender specification; one count of aggravated menacing; and one count each of theft, disrupting public services, criminal damaging or endangering, and telecommunications harassment following a jury trial. He was sentenced to an aggregate eight-year term of imprisonment. The case was referred to a magistrate judge for

¹ According to the Ohio Department of Rehabilitation & Correction website (<https://appgateway.drc.ohio.gov/OffenderSearch/Search/Details/A754641> (last visited Aug. 31, 2023)), Petitioner is now confined at the Noble Correctional Institution. The Warden of that institution, Jay Forshey, is ordered substituted for Kenneth Black, Warden.

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preparation of a report and recommendation pursuant to [28 U.S.C. § 636](#) and [Local Rule 72.2\(b\)\(2\)](#).² On August 8, 2023, the magistrate judge issued a Report & Recommendation ([ECF No. 12](#)). In his Report, the magistrate judge recommends that the Court dismiss the habeas petition.

[Fed. R. Civ. P. 72\(b\)\(2\)](#) provides that objections to a report and recommendation must be filed within 14 days after service. Objections to the Report were, therefore, due on August 25, 2023.³ Neither party has timely filed objections. Therefore, the Court must assume that the parties are satisfied with the magistrate judge's recommendations. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. [Thomas v. Arn](#), 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); [Howard v. Secretary of Health and Human Services](#), 932 F.2d 505 (6th Cir. 1991); [United States v. Walters](#), 638 F.2d 947, 949-50 (6th Cir. 1981).

Accordingly, the Report & Recommendation of the magistrate judge is hereby adopted. Edito Rosa's Petition for a Writ of Habeas Corpus will be dismissed.

² The Court referred the case to Magistrate Judge Kathleen B. Burke. In May 2021, the case was reassigned from Magistrate Judge Burke (retired) to Magistrate Judge Darrell A. Clay pursuant to [General Order 2021-06](#). In September 2022, the case was reassigned from Magistrate Judge Clay to Magistrate Judge James E. Grimes Jr. pursuant to [General Order 2022-16](#).

³ Under [Fed. R. Civ. P. 6\(d\)](#), three (3) days must be added to the 14-day time period because Petitioner was served a copy of the Report by mail. See [Thompson v. Chandler](#), 36 Fed.Appx. 783, 784 (6th Cir. 2002). The Court has accounted for those three days, as well as additional time for any mailed objection to reach the Court, before issuing this Order.

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The Court certifies, pursuant to [28 U.S.C. § 1915\(a\)\(3\)](#), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. [28 U.S.C. § 2253\(c\)](#); [Fed. R. App. P. 22\(b\)](#).

IT IS SO ORDERED.

August 31, 2023
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge